

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ARVEL JERMAINE WESLEY # 24308-018

PLAINTIFF

VS.

CIVIL ACTION NO. 3:15CV598TSL-RHW

UNITED STATES OF AMERICA AND
LIEUTENANT HENDERSON

DEFENDANTS

ORDER

This cause is before the court on the report and recommendation of Magistrate Judge Robert H. Walker entered on February 13, 2017, recommending that the government's motion to dismiss plaintiff's FTCA claims for lack of jurisdiction be granted and that its motion for summary judgment as to the Bivens claims be granted based on plaintiff's failure to exhaust his administrative remedies. Plaintiff Arvel Jermaine Wesley has not filed objections and the time for doing so has since expired. Having reviewed the report and recommendation, the court concludes that the motions are well taken and hereby adopts, as its own opinion, the magistrate judge's report and recommendation.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate Robert H. Walker entered on February 13, 2017, be, and the same is hereby, adopted as the finding of this court. Accordingly, it is ordered that defendant's motion to dismiss the FTCA claims for lack of jurisdiction is granted and that its motion for summary judgment for summary judgment as to the Bivens claims is likewise granted.

Plaintiff's complaint as to the FTCA claims is dismissed without prejudice and with prejudice as to the Bivens claims.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 28th day of February, 2017.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE